

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

ADRIAN CONTRERAS)	JURY TRIAL DEMANDED
Plaintiff,)	
)	
v.)	Case No.
)	
LOCKHART, MORRIS & MONTGOMERY,)	
INC.,)	
Defendant.)	
)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Adrian Contreras (hereinafter “Plaintiff”), an individual consumer, against Defendant, Lockhart, Morris & Montgomery, Inc., (hereinafter “Defendant”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair debt collection practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C 1331. Venue in this District is proper in that the Defendant transacts business in Tyler,

Smith County, Texas, and the conduct complained of occurred in Tyler, Smith County, Texas.

III. PARTIES

3. Plaintiff is a natural person residing in Tyler, Smith County, Texas. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant is a Texas corporation with its principal place of business located at 1401 N Central Expy, Suite 225, Richardson, TX 75080.
5. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers' debts alleged to be due to another.

IV. FACTS OF THE COMPLAINT

6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C 1692a(6).
7. On or about April 04, 2021, Plaintiff reviewed his credit report on "Credit Karma."
8. On the report, Plaintiff observed a trade line from Defendant.
9. Defendant furnished a trade line of \$756 allegedly owned to Sparkling Sea Emergency Physic.
10. On April 4, 2021, Plaintiff made a dispute to Defendant via telephone. On July 6, 2021 Plaintiff re-checked his credit reports and Defendant failed to communicate that the debt was disputed.

11. Defendant's publishing of such inaccurate and incomplete information has severely damaged the personal and credit reputation of Plaintiff and caused severe humiliation, damage to his FICO Scores, and emotional distress and mental anguish.

**V. FIRST CLAIM FOR RELIEF
15 U.S.C. §1692e(8)**

12. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
13. Defendant violated 15 U.S.C § 1692e(8) of the FDCPA by failing to disclose to the consumer reporting agencies that alleged debt was in dispute by Plaintiff.
14. As a result of the above violations of the FDCPA, the Defendant is liable to Plaintiff for actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Costs and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: August 5, 2021

By: s/ Tiffany Hill

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